

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

JAMES C. KOPP,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-01212

FCI BECKLEY,

Defendant.

**MEMORANDUM OPINION AND ORDER**

On August 6, 2018, the Plaintiff, proceeding *pro se*, filed his letter-form Complaint (Document 1) in this matter. Subsequently, on September 10, 2018, the Plaintiff filed a letter-form Motion to Voluntarily Dismiss Without Prejudice (Document 8).

By *Standing Order* (Document 2) entered on August 7, 2018, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On September 11, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 9) wherein it is recommended that this Court grant the Plaintiff's Motion to Voluntarily Dismiss Without Prejudice, dismiss the Plaintiff's Complaint without prejudice, and remove this matter from the Court's docket<sup>1</sup>.


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<sup>1</sup>Inasmuch as the relief sought by the Plaintiff is being granted, and as there has been no appearance by the Defendant, the Court finds it unnecessary to await objections in this matter.

The Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Motion to Voluntarily Dismiss Without Prejudice (Document 8) be **GRANTED**, the Plaintiff's Complaint (Document 1) be **DISMISSED WITHOUT PREJUDICE**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: September 12, 2018

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA